IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1670 OF 2006

Nabco Trade & Transport
Pvt. Ltd. & Anr. .. Applicants.
Vs.
Pidilite Finance Ltd. & Ors. .. Respondents.

Mr.Vilas A.Jadhav i/b for the petitioners.
Ms.Preeti Sarangi i/b Manilal Kher Ambalal for respondent no.1.
Mr.P.A.Pol A.P.P. for the State.

CORAM : D.B.BHOSALE, J.

DATED : 28TH JUNE, 2006

P.C.:

. Heard learned counsel for the parties.

2. On 14.6.2006, time for making payment and for forwarding T.D.S. Certificate as prayed for was extended by two weeks from the date of the order. It appears that on 2nd May, 2006 the petitioners had filed an undertaking stating that he would pay balance amount of Rs.14,92,724/- within six weeks from the date of the undertaking. This Court on 3rd May, 2006 passed the following order:

> "1. Heard both sides. The undertaking is filed as per my order dated 27.4.2006. The undertakings are taken on record and the document is marked "X" for identification. The undertakings contained in the document marked "X" are accepted. The Advocate for the applicants gives further undertaking that TDS certificate in respect of tax already deducted will be forwarded within three weeks to the

advocate for respondent no.1. Place the matter on 14.6.2006. In the meanwhile, the trial not to continue until further orders of this Court."

3. Till this date the petitioners have not paid a single farthing out of the amount mentioned in the affidavit. Today Mr.Jadhav, learned counsel for the petitioners prays for further time to make the payment as per undertaking. Ms.Sarangi, learned counsel for respondent no.1 opposed the said prayer. I am not in favour of granting any more time to the petitioners. However, as a last chance to the petitioners to make the payment as per undertaking I pass the following order:

. If the petitioners fails to make payment of the balance settlement amount as stated in the undertaking within one week from today this petition shall stand dismissed for non prosecution without further reference to the Court.

(D.B.Bhosale, J.)